
AMERICAN LEGISLATIVE EXCHANGE COUNCIL

MEMORANDUM

**TO: MEMBERS OF THE INTERNATIONAL RELATIONS TASK FORCE
AND FEDERAL RELATIONS WORKING GROUP**

FROM: KARLA JONES, TASK FORCE DIRECTOR

DATE: June 30, 2011

RE: 35 DAY MAILING—2011 Annual Meeting

The American Legislative Exchange Council will host its 2011 Annual Meeting **August 3-6** at the **Marriott New Orleans in New Orleans, LA**. The **International Relations Task Force** and **Federal Relations Working Group** will meet from **2:30pm to 5:30pm** on **Thursday, August 4**.

To that end, I've enclosed the following:

- Annual Meeting Agenda-at-a-Glance
- Registration and Housing Form for Attendees
- Registration and Housing Form for Spouse/Kids
- Scholarship Policies by Meeting
- Task Force Meeting *Tentative* Agenda
- Minutes from the Previous Task Force Meeting
- Drafts of Resolutions to Be Introduced
- ALEC Mission Statement
- ALEC Task Force Operating Procedures
- Other Items of Interest

I have also included background articles on three of the proposed resolutions. The first article references the resolution that will be introduced by ALEC International Legislator and Member of the European Parliament Roger Helmer opposing EU funding of American NGOs. A link to this article appears below.

<http://www.heritage.org/Research/Reports/2011/05/Swaying-American-Opinions-Congress-Should-Investigate-EU-Advocacy-in-the-United-States>

Two pieces serve as background to the resolution that Representative Ken Ivory and Dr. Robert Natelson (unconfirmed) will discuss during the Federal Relations Working Group and appear toward the end of this email. Representative Chris Herrod will introduce the resolution "Federal Law Evaluation and Response Act." This appears toward the end of this email.

I have also included a link to the Goldwater Institute's Nick Dranias' Federalism DIY Report which provides the research on which the three resolutions he will be introducing is based.

<http://goldwaterinstitute.org/article/6089>

The Constitutional Defense Council Legislation is based on Tool #4 and it proposes a statutory framework for a council that is responsive to complaints from the public and devoted to protecting state sovereignty and individual liberty through developing model legislation, interstate compacts and litigation.

The State Sovereignty Civil Rights Law is based on Tools #2 and #3 and proposes a statutory framework for defending state sovereignty in state court based on taxpayer standing, which should preclude removal of the case to the lower federal courts, thus giving the defense of state sovereignty home turf.

The Sovereign State Interstate Compact is based on one of the ideas in Tool #10. It is an interstate compact that when it is joined by three-fourths of the states, it binds all such states never to accept conditional federal grants that impose statutory or administrative directives that exceed the enumerated powers of Congress or intrude on the reserved powers of the states.

As has become a tradition at the Annual Meeting, RJR Reynolds will be hosting an **International Relations Reception** in the **Bacchus Suite** immediately following the meeting. We will be inviting representatives from the various international consulates in the New Orleans region to the reception and strongly encourage all of you to attend.

I look forward to seeing all of you next month, and if you have any questions or need anything further, do not hesitate to contact me at 202-742-8518 or by e-mail at kjones@alec.org.

1101 Vermont Avenue, NW, 11th Floor, Washington, D.C. 20005 ■ 202-466-3800 ■ Fax: 202-466-3801 ■
www.alec.org



COMMON CAUSE
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ALEC 2011 Annual Meeting Agenda*

All meetings will be held in New Orleans Marriott unless otherwise

Monday, August 1

Board of Directors Reception, <i>by invitation only</i>	6:00 p.m. - 7:00 p.m.
Board of Directors Dinner, <i>by invitation only</i>	7:00 p.m. - 9:00 p.m.

Tuesday, August 2

Registration Open	12:00 p.m. - 5:00 p.m.
Joint Board of Directors Meeting	9:00 a.m. - 5:30 p.m.
State Chairs Training	3:00 p.m. - 5:00 p.m.
Leadership Reception, <i>by invitation only</i>	6:00 p.m. - 7:00 p.m.
Leadership Dinner, <i>by invitation only</i>	7:00 p.m. - 9:00 p.m.
Hospitality Suite	9:00 p.m. - 11:00 p.m.

Wednesday, August 3

Registration Open	7:30 a.m. - 5:00 p.m.
Task Force Subcommittee Meetings	7:30 a.m. - 11:30 a.m.
State Chairs Meeting	9:00 a.m. - 11:15 a.m.
ALEC Exhibition Hall Open	9:30 a.m. - 5:00 p.m.
Opening Luncheon	11:30 a.m. - 1:30 p.m.
Workshop I	1:45 p.m. - 3:00 p.m.
Workshop II	1:45 p.m. - 3:00 p.m.
Task Force Chairs Meeting, <i>by invitation only</i>	3:15 p.m. - 4:15 p.m.
Workshop III	3:15 p.m. - 4:30 p.m.
Workshop IV	3:15 p.m. - 4:30 p.m.
Chairman's Reception, <i>by invitation only</i>	5:00 p.m. - 6:00 p.m.
Louisiana Welcome Reception	6:30 p.m. - 8:30 p.m.
Hospitality Suite	9:00 p.m. - 11:00 p.m.

Thursday, August 4

Registration Open	7:30 a.m. - 5:00 p.m.
ALEC Exhibition Hall Open	9:30 a.m. - 5:00 p.m.
Plenary Breakfast	8:00 a.m. - 9:15 a.m.
Workshop V	9:30 a.m. - 10:45 a.m.
Workshop VI	9:30 a.m. - 10:45 a.m.
Workshop VII	11:00 a.m. - 12:15 p.m.
Workshop VIII	11:00 a.m. - 12:15 p.m.
Plenary Luncheon	12:30 p.m. - 2:15 p.m.
Task Force Meetings	2:30 p.m. - 5:30 p.m.
<ul style="list-style-type: none">• Energy, Environment and Agriculture• Health and Human Services• International Relations• Public Safety and Elections• Tax and Fiscal Policy	
Health and Human Services Task Force Reception, <i>by invitation only</i>	5:30 p.m. - 6:30 p.m.
International Relations Reception, <i>by invitation only</i>	5:30 p.m. - 6:30 p.m.
Reception	6:30 p.m. - 8:30 p.m.
Hospitality Suite	9:00 p.m. - 11:00 p.m.

Friday, August 5

Friday, August 5

Registration Open

7:30 a.m. - 12:30 p.m.

ALEC Exhibition Hall Open

9:30 a.m. - 12:00 p.m.

Plenary Breakfast**8:00 a.m. - 9:15 a.m.**

Workshop IX

9:30 a.m. - 10:45 a.m.

Workshop X

9:30 a.m. - 10:45 a.m.

Workshop XI

11:00 a.m. - 12:15 p.m.

Workshop XII

11:00 a.m. - 12:15 p.m.

Plenary Luncheon**12:30 p.m. - 2:15 p.m.**

Task Force Meetings

2:30 p.m. - 5:30 p.m.

- Commerce, Insurance and Economic Development
- Civil Justice
- Education
- Telecommunications and Information Technology

Telecommunications and Information Technology Task Force Reception

5:30 p.m. - 6:30 p.m.

Incoming Chairman's Reception,
by invitation only

5:30 p.m. - 6:30 p.m.

State Night

6:30 p.m.

*Contact your state chair***Saturday, August 6**

Prayer Service**

9:00 a.m. - 10:30 a.m.

Experience New Orleans Activities

TBD

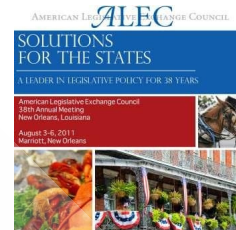
Shooting outing

Agenda subject to change** Unaffiliated event*

COMMONWEALTH OF MASSACHUSETTS
 Holding Power Accountable

ATTENDEE REGISTRATION / HOUSING FORM

AMERICAN LEGISLATIVE EXCHANGE COUNCIL
ALEC



Early registration deadline: June 7, 2011
Standard registration deadline: July 11, 2011
Housing cut-off date: July 11, 2011

New Orleans Marriott - New Orleans, LA

Online www.alec.org Fax (credit cards only) 202.331.1344 Phone / Questions • Mon-Fri, 9am-5:30 pm Eastern
Registration: 202.742.8538 / Housing: 800. 228.9290

ATTENDEE INFORMATION

Prefix (required) Sen Rep Del Mr Mrs Ms Other _____
Last Name _____ First Name _____ Middle Initial _____ Badge Nickname _____
Title _____
Organization (required) _____
Address _____ Suite # _____
City _____ State/Province _____ Country _____ ZIP/Postal code _____
Daytime phone _____ Fax _____ Alternate phone _____
Email (confirmation will be sent by email) _____
Spouse / Guest / Kids' Congress: Please complete the Spouse / Guest / Kids' Congress registration form.

REGISTRATION INFORMATION

****Save \$100 on registration by booking your hotel room in ALEC's headquarter hotel****

DISCOUNTED REGISTRATION FEES are extended only to registrants booking in ALEC's headquarter hotel. Your \$100 savings will become valid when accommodations are confirmed.

	EARLY until June 7	STANDARD until July 11	ON-SITE begin July 12	DAILY	Amount
<input type="checkbox"/> I am already registered: Order # _____					
** Please note that member fees are subject to verification					
<input type="checkbox"/> ALEC Legislative Member	\$475	\$575	\$675	\$295	\$ _____
<input type="checkbox"/> Legislator / Non-Member	\$575	\$675	\$725	\$395	\$ _____
<input type="checkbox"/> ALEC Private Sector Member	\$840	\$930	\$1099	\$595	\$ _____
<input type="checkbox"/> Private Sector / Non-Member	\$975	\$1065	\$1350	\$695	\$ _____
<input type="checkbox"/> ALEC Non-Profit Member (501(c)(3) status required)	\$610	\$685	\$760	\$395	\$ _____
<input type="checkbox"/> Non-Profit Non-Member (501(c)(3) status required)	\$725	\$800	\$875	\$495	\$ _____
<input type="checkbox"/> Legislative Staff / Government	\$650	\$750	\$900	\$495	\$ _____
<input type="checkbox"/> ALEC Legacy Member	\$0	\$0	\$0	\$0	\$ _____

METHOD OF REGISTRATION PAYMENT

Credit Card: Credit cards will be charged immediately. Please fax to the above number for processing.

Amer Express Visa MasterCard

Card # _____

Cardholder (please print) _____

Exp Date (mm/yy) _____ Security Code _____

Signature _____

Promo Code _____

TOTAL REGISTRATION FEES: \$ _____

Note: Registration forms with enclosed payments must be received by 5pm Eastern on the following dates to be eligible for discounted registration rates: June 7, 2011, for early registration rates, or July 11, 2011, for standard registration rates. Forms and/or payments received after July 11, 2011, will be subject to the on-site registration rate. If registering after July 11, 2011, please bring completed form and payment to register on-site.

REGISTRATION CONFIRMATION INFORMATION

Online registrants will receive immediate email confirmation. If registering by form, confirmation will be emailed, faxed, or mailed within 72 hours of receipt of payment.

REGISTRATION CANCELLATION / REFUND INFORMATION

Registrations cancelled prior to 5pm Eastern July 11, 2011 are subject to a \$100 cancellation fee. Registrations are non-refundable after 5pm Eastern July 11, 2011.

HOUSING

RESERVATION CUTOFF FOR ALEC DISCOUNTED RATE IS 12pm Eastern July 11, 2011

****Save \$100 on registration by booking your hotel room in ALEC's headquarter hotel****

I do not require a reservation at this time.

Arrival Date _____ Departure Date _____

Sharing room with _____

Room type

<input type="checkbox"/> Single	(1 person - 1 bed)	\$ 183
<input type="checkbox"/> Double	(2 persons - 1 bed)	\$ 213
<input type="checkbox"/> Db/Db	(2 persons - 2 beds)	\$ 213
<input type="checkbox"/> Triple	(3 persons - 2 beds)	\$ 243
<input type="checkbox"/> Quad	(4 persons - 2 beds)	\$ 273

A limited number of suites are available upon request. Please call 800.228.9290 for additional information.

Special requests

ADA room required:

___ Audio ___ Visual ___ Mobile

Rollaway / crib: _____

Other: _____

METHOD OF HOUSING PAYMENT

Please use the same method of payment as above.

Credit Card: Credit cards will be used to guarantee the reservation

Amer Express Visa MasterCard Discover

Card # _____

Cardholder (please print) _____

Exp Date (mm/yy) _____ Security Code _____

Signature _____

* All rates DO NOT include state and local tax currently 13% plus occupancy tax \$3.00 (subject to change)

Note: Cutoff for reservations at the ALEC rate is July 11, 2011. After July 11, 2010, every effort will be made to accommodate new reservations, based on availability and rate.

HOUSING CONFIRMATION INFORMATION

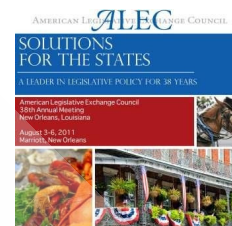
Online reservations will receive immediate email confirmation. Reservations received by form will be confirmed via email, fax, or mail within 72 hours of receipt.

HOUSING CANCELLATION / REFUND INFORMATION

Credit cards will be charged one night room and tax in the event of a no show or if cancellation occurs within 72 hours prior to arrival. Departures prior to the departure date confirmed by the hotel at check-in will result in a charge of \$100 plus tax. Please obtain a cancellation number when your reservation is cancelled.

SPOUSE / GUEST KIDS' CONGRESS REGISTRATION FORM

AMERICAN LEGISLATIVE EXCHANGE COUNCIL
ALEC



Early registration deadline: May 2, 2011
Standard registration deadline: July 11, 2011

New Orleans Marriott - New Orleans, LA

Online
www.alec.org

Fax (credit cards only)
202.331.1344

Phone / Questions • Mon-Fri, 9am-5:30 pm Eastern
202.742.8538

Mail • ALEC Registration & Housing
P.O. Box 96754 • Washington, DC 20090-6754

IMPORTANT: Please identify the ALEC attendee

ALEC ATTENDEE Profile Information

First Name	Last Name	REGISTRATION ORDER NUMBER
Daytime Phone		
Email (Confirmation will be sent by email)		

SPOUSE / GUEST / KIDS' CONGRESS Registration Fees

	(#) x	EARLY until May 2	STANDARD until July 11	ON-SITE begin July 12	DAILY	Amount
A. Spouse / Guest / Child 18 yrs or older	() x	\$150	\$150	\$150	n/a	= \$ _____
B. Kid's Congress (6 months to 17 yrs) for ALEC Members Full Conference Rate	() x	\$250	\$350	\$550	n/a	= \$ _____
C. Kid's Congress (6 months to 17 yrs) for Non-ALEC Members Full Conference Rate	() x	\$350	\$450	\$650	n/a	= \$ _____
D. Kid's Congress (6 months to 17 yrs) Day rate: Wed., Thurs., or Fri.	() x	\$150	\$150	\$250	n/a	= \$ _____
SPOUSE / GUEST / KID'S REGISTRATION FEE(S) TOTAL \$						_____

Spouse / Guest / Child Names

Please list the names of the spouse / guest / children below

Spouse / Guest / Child Name	Child Date of Birth	Registration Type A,B,C,D (above)	Spouse / Guest / Child Name	Child Date of Birth	Registration Type A,B,C,D (above)
1. _____	_____	_____	5. _____	_____	_____
2. _____	_____	_____	6. _____	_____	_____
3. _____	_____	_____	7. _____	_____	_____
4. _____	_____	_____	8. _____	_____	_____

Payment Information

Credit Card: Credit cards will be charged immediately. Please fax to the above number for processing.

American Express Card # _____

Visa Cardholder (please print) _____

MasterCard Exp Date (mm/yy) _____ Security Code _____

Signature _____

Check / money order: Payment must be in U.S. currency drawn on a U.S. bank. Please make check payable to ALEC Registration and send to above address.

Note: Registration forms with enclosed payments must be received by 5pm Eastern on the following dates to be eligible for discounted registration rates: May 2, 2011, for early registration rates, or July 11, 2011, for standard registration rates. Forms and/or payments received after July 11, 2011 will be subject to the on-site registration rate. If registering after July 11, 2011 please bring completed form and payment to register on-site.

Confirmation Information

Online registrants will receive immediate confirmation via email. If registering by written form, confirmation will be emailed (if address provided), faxed, or mailed within 72 hours of receipt of payment.

Cancellation / Refund Information

Registrations cancelled prior to 5:00 p.m. (EST) July 11, 2011 are subject to a \$100 cancellation fee. Registrations are non-refundable after 5:00 p.m. (EST) July 11, 2011.

SCHOLARSHIP POLICY BY MEETING

ALEC Spring Task Force Summit:

1. ***Spring Task Force Summit Reimbursement Form:*** ALEC Task Force Members are reimbursed by ALEC up to \$350.00 for travel expenses. Receipts must be forwarded to the ALEC Policy Coordinator and approved by the Director of Policy.
2. ALEC Task Force Members' room & tax fees for up to a two-night stay at the host hotel are covered by ALEC.
3. Registration fees are not covered; however, Task Force Members may submit registration expenses for payment from their state scholarship account upon approval of the State Chair.
4. *Official Alternate Task Force Members* (chosen by the State Chair and whose names are given to ALEC more than 35 days prior to the meeting to serve in place of a Task Force Member who cannot attend) are reimbursed in the same manner as Task Force Members.
5. ***State Scholarship Reimbursement Form:*** Any fees above the set limit, or expenses other than travel and room expenses can be submitted by Task Force Members for payment from their state scholarship account upon the approval of the State Chair. Receipts must be submitted to the State Chair, who will submit the signed form to the Director of Membership.
6. *Non-Task Force Members* can be reimbursed out of the state scholarship fund upon State Chair approval. Receipts must be submitted to the State Chair, who will submit the appropriate signed form to the Director of Membership.

ALEC Annual Meeting:

State Scholarship Reimbursement Form: State scholarship funds are available for reimbursement by approval of your ALEC State Chair. Expenses are reimbursed after the conference, and may cover the cost of travel, room & tax, and registration. Receipts are to be submitted to the State Chair, who will then submit the signed form to the Director of Membership.

ALEC States & Nation Policy Summit:

1. ***States & Nation Policy Summit Reimbursement Form:*** ALEC offers two scholarships per state to cover the cost of travel, room & tax, and registration not to exceed \$1,000.00 per person for a total of \$2,000.00 per state. ALEC scholarship recipients must be named by the ALEC State Chair. Expenses are submitted to the State Chair and reimbursed after the conference. The State Chair submits the signed form to the Director of Membership.
2. ***State Scholarship Reimbursement Form:*** Any other fees or payments must come out of the state scholarship account, with the approval of the State Chair. Receipts must be submitted to the State Chair, who submits the signed form to the Director of Membership.

ALEC Academies:

Academy Reimbursement Form: Attendees of ALEC Academies are reimbursed by the Task Force Committee hosting the Academy. Attendees will receive a form at the Academy, and will be reimbursed up to \$500.00 for travel, and room & tax fees for a two-night stay by ALEC. Receipts must be forwarded to the appropriate Task Force Director and approved by the Director of Policy.

**International Relations Task Force Meeting
Federal Relations Working Group**

Annual Meeting, New Orleans, LA
Thursday, August 4, 2011 – Louisiana Gallery 4
2:30 p.m. – 5:30 p.m.

Public Co-Chair: Representative Harold Brubaker (NC)
Private Co-Chair: To Be Announced
Task Force Director: Karla Jones

TENTATIVE AGENDA

Welcome

Introduction of New Private Sector Co-Chair

Approval of the Minutes from the SNPS Meeting

Update from International Relations Executive Committee Meeting

Introduction of New Private Sector Members

International Relations Task Force

“ALEC Resolution to Counter Rogue Internet Sites”

Mr. Andrew Kovalcin (Global Intellectual Property Center)

“Hard Science Resolution”

Ms. Brandie Davis (Philip Morris International)

Presentation on EU Advocacy in the United States

The Honorable Roger Helmer (Member, European Parliament)

“Resolution against EU Funding of NGOs”

The Honorable Roger Helmer (Member, European Parliament)

Oil Sands and Energy Security

TBD

“Trade Agreement Carve Outs”

Ms. Brandie Davis (Philip Morris International)

Presentation on EU-US Relations

The Honorable Martin Callanan (Member, European Parliament)

Federal Relations Working Group

Where’s the Line? How States Protect the Constitution.

Representative Ken Ivory (UT) and Dr. Robert Natelson (Independence Institute – Denver, CO)

“Resolution on the Federal Law Evaluation and Response Act”

Representative Christopher Herrod (UT)

A Three Step Plan for Restoring State Sovereignty

Mr. Nick Dranias (Goldwater Institute – Phoenix, AZ)

“Constitutional Defense Council Legislation”

Mr. Nick Dranias (Goldwater Institute – Phoenix, AZ)

“Model State Sovereignty Civil Rights Law”

Mr. Nick Dranias (Goldwater Institute – Phoenix, AZ)

“Sovereign State Interstate Compact”

Mr. Nick Dranias (Goldwater Institute – Phoenix, AZ)



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**Meeting of the
International Relations Task Force
and**

Federal Relations Working Group

States and Nation Policy Summit/Washington, DC

Grand Hyatt Washington/Constitution B Room

Friday, December 3, 2010

2:30 p.m. – 5:30 p.m.

Public Co-Chair: Representative Harold Brubaker (NC)

Private Co-Chair: Mr. David Powers (Reynolds American Inc.)

Task Force Director: Karla Jones

Task Force Members and Guests in Attendance

Public Sector Members:

Representative Sue Allen (MO)

Representative Penny Bacchiocchi (CT)

Senator Curtis Bramble (UT)

Representative Harold Brubaker (NC)

Senator Robert Burns (AZ)

Senator Cale Case (WY)

Senator Jeffrey Haverly (SD)

Representative Chris Herrod (UT)

Representative Calvin Hill, Jr. (GA)

Speaker William Howell (VA)

Assembly Member Brian Kolb (NY)

Delegate Jim LeMunyon (VA)

Representative Debra Lesko (AZ)

Senator Stephen Martin (VA)

Representative Peggy Mast (KS)

Senator Wayne Niederhauser (UT)

Representative Deb Peters (SD)

Representative John E. Piscopo (CT)

Representative Valentine Rausch (SD)

Senator Giles Ward (MS)

Representative C. Gene Whisnant (OR)

Public Sector Guests:

Representative Paul Bandy (NM)

Representative Justin Davis (SD)
Representative Eric Hutchings (UT)
Representative Dolores Mertz (IA)
Representative Tim Moffitt (NC)
Representative Cary Smith (MO)

Private Sector:

Mr. David Powers (Reynolds American, Inc.)
Mr. Bob Filippone (PhRMA)

Private Sector Guests:

Ms. Catherine Bray (American Task Force Argentina)
Rick Gowdy (Stateside)
Richard L. Krzyzanowski (Crown)
Blair Mann (American Task Force Argentina)

Speakers/Advisors

Professor Randy Barnett (Georgetown University School of Law)
Mr. Nick Dranias (Goldwater Institute)
Dr. Han Duk-soo (Ambassador to the US for the Republic of Korea)
Mr. Fred Kelly Grant (President, American Stewards of Liberty)
Dr. Robert Natelson (Independence Institute-Denver, CO)
The Honorable Vinay Kwatra (Minister of Commerce- Indian Embassy)
Dr. Robert Shapiro (American Task Force Argentina—ATFA)
Ms. Gina Vetere (Global Intellectual Property Center of the Chamber of Commerce)

Guests

Laura Elliott (ALEC)

Welcome and Introduction

Mr. David Powers welcomed everyone and called the meeting to order.

Approved the minutes from the last meeting.

Speakers and Disussion

Delegate James LeMunyon (VA) introduced **Nick Dranias from the Goldwater Institute of Phoenix, AZ** who gave a talk on **the Federalism Tool Kit for State Sovereignty**. It is comprised of 10 tactical tools for citizens and state legislators for the purpose of protecting individual liberty—maintaining a system of checks and balances, as the essence of the constitution is to protect individual liberty. The federalism Tool Kit is designed to give states a means of pushing back against the federal government in ways that actually work in our current system. Mr. Dranias provides two examples in which these tools will work to protect individual liberty. First, he states that federal government overreach is in the hands of Land Use Law. Property rights at the state level could be overridden by federal law through money incentives. Solutions based on ALEC model legislation takes power away from the federal government and gives it back to the people. This is tactical tool number seven of the Federalism Tool Kit for State Sovereignty. Next, he presents another concept of the kit: the Constitutional Defense Council. He cites when Attorneys General in Arizona and Missouri could not defend themselves against the Obama Health Care Act as an instance in which the Constitutional Defense Council could have institutionally protected state sovereignty and individual liberty.

The Honorable Vinay Kwatra (Minister of Commerce – Embassy of India in the United States) spoke of the **United States’ relationship with India**. He cited the visit of President Obama to India and his presentation at a joint session of the Indian parliament as evidence of strengthening ties. The United States and India are

bound by shared interests and values, thus making them one of the most important partnerships of the 21st century. He notes four key elements. First, the construct of the relationship is the shared value of democracy-freedoms, tolerance, and a sense of enterprise. Next, both countries hold a common interest in seeking to establish security. Third, there is the ability to respond to global challenges together. Finally, there is India's pursuance of positive relations with the United States during the emerging global situation. All together this relationship has moved from simply transactional in nature to strategic. Trade is the key driving force in the relationship. Our commercial engagement has grown significantly in the past 6 to 7 years with 8.9% growth in the current fiscal year. Over the next two to three years India is expected to have a 2 trillion dollar economy. Minister Kwatra closes with four key points of the economy between India and the United States: balanced trade and goods, a 200% growth in U.S. exports to India, growth in two way flow of capital, and an innovative economy.

Congressman John Culberson (ALEC Alumnus and Member of the U.S. House of Representatives - TX) presented the **“Bill to Restore State Sovereignty and to Dedicate Excess Grant Funds to Deficit Reduction,”** which is designed reverse the current concept and to make all federal grant programs optional to state legislature. With this Bill, 90 days after the first legislature in which the bill is passed all federal grants to states & local governments stop unless they pass a law in a record vote. Through this bill, there would be no federal authority at all, thus restoring state sovereignty unless the state wants to opt into the grant program. Public Education would be a great place to start. Congressman Culberson states that states should remember to focus on the founders and “we the people”. If you rely on the constitution, the knot will always untie itself. Reaffirm the 10th amendment; give state legislatures standing to sue. Also, it is important to implant a congressional statute to give power back to the states. Senator Curt Bramble (UT) posed a question about HR5903- Federal Grant Programs inquiring what happens if one state still accepts the grants and holds the other states fiscally responsible for such. The matter is discussed & the bill is tabled until further discussion may take place.

Dr. Han Duk-soo (Ambassador to the United States for the Republic of Korea) spoke about the **“Resolution Calling for Final Ratification of US-Korea FTA”**. There is currently a very good security and diplomatic relationship between United States and Korea. Korea is the 7th largest trading partner of United States, as well as the 15th largest economy in the world, with more than 1 trillion dollars GDP. However, the Free Trade Agreement between the United States and Korea has not yet been ratified because of concerns in the auto industry and a negative perception of the agreement, which according to the representative from the Embassy of the Republic of Korea, is solely from misunderstanding. This trade agreement would be the largest free trade agreement after NAFTA. It would increase revenue in the United States by 11 billion dollars which would generate 75,000 jobs. Further discussions about concerns between trade teams just finished taking place abroad and now internal procedures are underway for approval. This trade agreement is very advantageous for both parties, and is important because it will increase jobs in U.S., as well as investments in the U.S. from Korea.

Dr. Robert Shapiro (American Task Force Argentina) presented on **Argentina's Debt Default**. Argentina owes Americans more than 3 billion dollars, which could easily be paid from their International Debt Reserve. Argentina has no international bankruptcy law – just norms. There are currently 104 judgments against Argentina in the U.S. alone. Argentina currently has 16 billion dollars in debt worldwide, but is a bad actor on other fronts, too. Argentina recently received the worst evaluation of any country for failure to prosecute money laundering and terrorist funding, as well as failing to comply with 42 out of 49 recommendations.

Representative Penny Bacchiocchi (CT) speaks about the **“Resolution Supporting Review of Argentina's GSP Status”** and introduces **Assembly Member Brian Kolb (NY)** who states that Argentina also continually abuses the U.S. general system of preferences (GSP) – duty free treatments in most exports to the U.S. They have received these benefits without abiding by all three of the terms of GSP. 18 million American jobs depend

on Argentina. Through ALEC's commitment to free trade, we have the power to stop Argentina's disregard for America, our taxpayers, and our courts through supporting this cause to defend America.

Final ratification of US-Korea FTA introduced by **Mr. Bob Filippone (PhRMA)**.

Resolution passes unanimously.

Resolution Supporting Review of Argentina's GSP Status introduced by Representative Penny Bacchiochi of CT.

Resolution passes unanimously.

Ms. Gina Vetere (Global Intellectual Property Center of the Chamber of Commerce) presents on the importance of **Intellectual Property (IP)** through one very simple message: Intellectual Property = Jobs. However, there are several problems currently surrounding intellectual property rights including: theft of IP through counterfeit and pirating and proliferation of counterfeit and pirating on the internet. She addresses the key policy issues to promote and defend IP rights right at home in order to set an example abroad, and comments on the need for more resources in the United States for IP in order to put an end to online theft of counterfeit and pirated goods by taking down rogue websites in order to defend strong IP rights abroad. Finally, Ms. Vetere asks for the important support of the state resolution on counterfeit pharmaceuticals.

Senator Curt Bramble (UT) made "**Updates to ALEC's Counterfeit Pharmaceuticals Resolution.**" He urged us to help remain the world's leading innovation, and gives us the example of how Utah was the first state to address this issue. He spoke about the amendments made to the current policy.

Representative Gene Whisnant made an additional suggestion to improve the resolution which was accepted. The **Counterfeit Pharmaceuticals Resolution** passes unanimously.

Representative Tom Graves (US House of Representatives-GA) speaks on **federalism**. He presents on core conservative principles and delivers his personal story on why it is important to keep the federal government out of the states. He speaks and shows that sometimes the states might not know what is going on. He urges us to use the federal government as an example: policies and lack of result from the policies. Balance budgets, no debt, don't grow government. Empower tax payers. He cut the deficit in 23% in GA and GA is better for it. Invest in capital and invest in people. Question from Jeffrey K. Haverly (SD) results in importance of money going back to deficit and not other states.

Senator Curt Bramble (UT) speaks on behalf of MEP Adam Bielan (EU Parliament-Poland) on the "**Resolution Supporting U.S.-Moldova Partnership**". He states we should secure borders and urge Moldova to join the United States and European Union and show continued support for its territorial integrity. Senator Madsen (UT) raises the question of inserting the word representative in front of democracy.

Resolution Tabled.

Welcome for Panel Presentation of Federalism by Delegate James LeMunyon (VA)

Dr. Robert Natelson (Independence Institute- Denver, CO) speaks about convening an **Article 5 convention**. He states the constitution may be amended if $\frac{3}{4}$ of the states ratify. However, Congress must propose the amendment and congress has never proposed an amendment to limit its own power since the Bill of Rights in 1789. The only way to propose an amendment to limit Congress' power is through the state application and convention process, which results in a number of concerns. An amendments convention is not a constitutional convention but rather a group that represents the states. There are ample precedents from the

founding era. A convention for proposing amendments is really a task force. It is simply a way of wiring around Congress when Congress refuses to do what the American people want. Each state gets one vote. If you want a successful process you must get behind amendments that meet four criteria: popular with the people, appeals to state legislatures, moves us back to founding era principles, and enforcement power.

Professor Randy Barnett (Georgetown University School of Law) addresses **the Repeal Amendment**, which gives 2/3 of the state legislatures the power to repeal any federal law or regulation, which would provide a check on federal power. It would be a structural change to the constitution. Democratically elected state legislatures may provide a check on federal power through the Repeal Amendment. They simply check it by repealing a federal law or regulation. This could repeal unfunded mandates, which are continual concerns, as well as protect against states that seek bailouts. Finally, if Congress wants to reenact anything that the states repeal, they may. The Repeal Amendment will bring constitutional power to the state legislatures, rather than just ways of resisting.

Mr. Fred Kelly Grant (President, American Stewards of Liberty) speaks on **federalism** by stating that federal law makes every federal agency coordinate with the federal government. In 1956 a law passed that all 50 states may use this, but as of now, only two states have ever used it. It is a communication process that works for local government that requires consistency.

“Updates to the Repeal Amendment” –Delegate James LeMunyon (VA)

Lines 52 and 53 amended.

Amended Resolution passes unanimously.



COMMON CAUSE
Holding Power Accountable

1 **Support of Federal Efforts to Address Rogue Internet Sites that Sell**
2 **Counterfeit Products and Facilitate Digital Theft**

3
4 **WHEREAS**, industries that create intellectual property are the backbone of the economic
5 competitiveness of the United States and represent the only economic sector in which the United
6 States has a trade surplus with every nation in the world; and

7
8 **WHEREAS**, the United States and all countries share the challenge of combating counterfeiting
9 and piracy of intellectual property, including illicit trade in pharmaceutical drugs, cutting edge
10 technologies, film, music, books, and inventions that affect the quality of life; and

11
12 **WHEREAS**, the counterfeiting and piracy have a significant impact on economies around the
13 world, translate into lost jobs, lost earnings, and lost tax revenues, and threaten public health and
14 safety; and

15
16 **WHEREAS**, the sale of counterfeit products over rogue Internet sites – such as fake
17 pharmaceuticals, medical devices, auto and electrical parts, and many others – not only poses a
18 severe risk to consumer health and safety but also undermines sectors of our national and state
19 economies that have historically provided secure, high-paying jobs; and

20
21 **WHEREAS**, increasingly, consumers are lured to sophisticated and well-designed websites that
22 appear legitimate but are in fact devoted almost exclusively to offering or linking to unauthorized
23 downloads or streaming of copyrighted material – including the latest movie and music hits – or
24 to trafficking in counterfeit products, from pharmaceuticals to luxury goods; and

25
26 **WHEREAS**, rogue websites that offer counterfeit and pirated goods attract millions of visitors,
27 have accumulated billions of dollars of revenues and also threaten legitimate online commerce
28 channels; and

29
30 **WHEREAS**, many rogue websites that offer counterfeit and pirated goods are hosted overseas,
31 which makes it difficult for intellectual property rights holders and U.S. law enforcement to take
32 effective action against them.

33
34 **NOW, THEREFORE LET IT BE RESOLVED**, that the American Legislative Exchange
35 Council recognizes the ever-increasing importance of intellectual property and the new
36 challenges and serious threats to its protection, which affect prospects for future growth of the
37 United States economy; and

38
39 **BE IT FURTHER RESOLVED**, that the American Legislative Exchange Council supports
40 robust and ongoing efforts to protect the health and well-being of citizens in the United States
41 from illegal counterfeiting and piracy; and

42 **BE IT FURTHER RESOLVED**, that the American Legislative Exchange Council supports
43 efforts by the U.S. Congress to enact **The PROTECT IP Act** (Prevent Online Threats to
44 Economic Creativity and Theft of Intellectual Property, and for other purposes – Act) or similar

45 companion legislation, which will help the Justice Department to combat rogue websites that
46 traffic in pirated music, movies and counterfeit goods and make it more difficult for rogue
47 websites to operate; and

48 **BE IT FURTHER RESOLVED**, that this resolution be forwarded to members of Congress, the
49 Administration, and the relevant federal agencies to support this critical federal legislation
50 addressing enforcement of intellectual property rights.

51

COMMON CAUSE
Holding Power Accountable



ALEC Hard Science Resolution

1
2
3 **WHEREAS**, the American Legal Exchange Council (ALEC) recognizes that the
4 Jeffersonian principle of free markets is essential to a nation's sustainable economic
5 success; and

6
7 **WHEREAS**, when governments impose on the free market for anything besides a strictly
8 commercial purpose, like breaking up monopolies, they take away the benefits of the free
9 market; and

10
11 **WHEREAS**, such regulations not only harm the domestic free market, but the
12 international market as well, in many cases discriminating against foreign products in
13 favor of domestic products; and

14
15 **WHEREAS**, many industries and consumers face the threat of arbitrary regulations, as
16 evidenced by the avalanche of WTO disputes on regulations on all types of products,
17 from oil to computer equipment to beef; and

18
19 **WHEREAS**, if a regulation is considered to be necessary, it should be justified at the
20 highest level, namely science; and

21
22 **WHEREAS**, a scientific standard already underlies the international trade framework,
23 which requires risk assessments based on science for any technical barriers to trade
24 imposed by a member nation; and

25
26 **WHEREAS**, the science underlying any regulation should be based on quantifiable data
27 that is objective and relies on the scientific method; and

28
29 **WHEREAS**, only natural, physical and computer sciences, i.e. the hard sciences, provide
30 that type of rigor;

31
32 **NOW THEREFORE, BE IT RESOLVED** that ALEC urges legislatures and executives
33 around the world to base regulatory policy on hard science and to eschew regulation that
34 falls below this standard; and

35
36 **BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to
37 legislators and executives across the globe.

Resolution against EU Funding of NGOs

1
2
3
4 **WHEREAS**, The American Legislative Exchange Council (ALEC) promotes the
5 Jeffersonian principles essential to good government, in particular peace, commerce and
6 honest friendship with all nations, entangling alliances with none; and
7

8 **WHEREAS**, ALEC affirms the long standing cooperation between the European Union,
9 Member States and third countries; and
10

11 **WHEREAS**, recent reports demonstrate a long-term effort on the part of the European
12 Union and Member States to affect domestic political debates, particularly related to
13 democracy, human rights, sustainability and the environment in countries as disparate as
14 the Solomon Islands and the United States; and
15

16 **WHEREAS**, ALEC has long maintained that cooperation, mutual recognition of self-
17 interest, and the need to respect the sovereignty of domestic debates, especially those
18 with no direct, material impact on EU interests; and
19

20 **WHEREAS**, a recent study by the US-based Heritage Foundation found that between
21 2007 and 2009, the EU spent € 861.34 million in the US, a large portion of which was
22 allocated to advocating causes supported by the EU and to increasing EU influence in
23 American affairs; and
24

25 **WHEREAS**, a study by the UK-based Taxpayers Alliance found that the EU and the UK
26 Government provided funding in 2009-10 of more than €11 million to environmental
27 non-governmental organizations (NGOs) engaged in advocacy work and campaigns
28 throughout the world, advocating policies to the detriment of developing world
29 communities; and
30

31 **WHEREAS**, these same organizations are often cited as experts in the EU despite
32 engaging in hyperbole and misrepresenting industry actions and projections of emissions
33 and the state of the environment, and refusing to correct these misrepresentations; and
34

35 **WHEREAS**, ALEC recognizes that climate change is a historical phenomenon and the
36 debate will continue on the significance and implications of natural and anthropogenic
37 contributions; and
38

39 **WHEREAS**, ALEC recognizes that engaging in promotion of democratic principles
40 within the US is a misuse of valuable EU resources and without justification;
41

42 **THEREFORE BE IT RESOLVED** that the European Union shall not engage in
43 political advocacy apart from government-to-government representation and
44 communication on issues isolated in domestic affairs and with a disproportionate
45 impact on the welfare of local communities; and
46

47 **BE IT FURTHER RESOLVED** that the EU shall censure any EU-funded
48 organization that unfairly maligns a sovereign state without sufficient, independent
49 evidence of their claims; and

50
51 **BE IT FURTHER RESOLVED** that the EU shall ensure that policies promoted by
52 non-governmental partners and EU development and trade policies respect the needs
53 and desires of third country recipients of assistance, while prioritizing poverty
54 alleviation and food security over ephemeral environmental concerns; and

55
56 **BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to the
57 President of the United States, select Members of the United States Congress, the
58 United States Agency for International Development, the Secretary of State for the
59 United States, Members of the European Parliament, the European Commission's
60 Directorate General for the Environment and Directorate General for Development,
61 Members of Parliament of the United Kingdom, the Department for Environment,
62 Food and Rural Affairs, and the United Kingdom's Department for International
63 Development.

64

COMMON SENSE
Holding Power Accountable



Resolution Upholding Longstanding Policy Maintaining Agriculture Commodities and Product Comprehensiveness of US Trade Agreements

Submitted by: Ms. Brandie Davis (Philip Morris International)

This resolution urges the Obama Administration and the United States Trade Representative (USTR) to hold firm on the longstanding principled policy that trade agreements must be comprehensive and that no products or agriculture commodities be removed in the name of public policy. Comprehensiveness will

- ensure that the benefits of a trade agreement are spread throughout the economy;
- enable U.S. negotiators to resist requests by foreign governments to exclude products or sectors on what they contend are legitimate policy grounds (*e.g.*, protection of emerging or sensitive sectors, protection of cultural heritage, etc.); and
- prevent the making of arbitrary distinctions between products enabling interest groups to lobby to exclude specific products or sectors from a trade agreement

No serious policy rationale for excluding agriculture or other products from trade agreement rules governing the protection of intellectual property (IP) rights and the protection of investments exists and because of this the United States does not make such exceptions under U.S. law. The same approach should be adopted in our trade agreements, including the Trans-Pacific Partnership (TPP).

A comprehensive trade agenda that does not carve out specific commodities and sectors will not impede a foreign government's ability to enact regulations in support of public health or other legitimate policy objectives. Existing trade agreement obligations have not kept the United States from pursuing its policy objectives and will not keep other countries from pursuing their policy objectives.

This serves as a shell resolution for the 35-day mailing. The full text for the resolution will be forthcoming.

1
2
3
4 **Federal Law Evaluation and Response Act**
5
6

7 **Summary**
8

9 This bill creates a state Constitutional Defense Council and Federalism Subcommittee to
10 review, evaluate and respond to federal actions that infringe upon the constitutional jurisdiction
11 of the state. It provides the standard for such review and a mechanism for coordinating the
12 review, evaluation and response together with other states, and with the congressional
13 delegation from the state.
14

15 **[Section 101] Creation of Constitutional Defense Council and Federalism Subcommittee -**
16 **- Membership -- Vacancies -- Meetings -- Staff -- Reports -- Per diem, travel expenses,**
17 **and funding.**

- 18 (1) There is created the Constitutional Defense Council.
19 (2) (a) The council shall consist of the following members:
20 (i) the governor or the lieutenant governor, who shall serve as chair of the
21 council;
22 (ii) the president of the Senate or the president of the Senate's designee who
23 shall serve as vice chair of the council;
24 (iii) the speaker of the House or the speaker of the House's designee who shall
25 serve as vice chair of the council;
26 (iv) the minority leader of the Senate or the minority leader of the Senate's
27 designee;
28 (v) the minority leader of the House or the minority leader of the House's
29 designee;
30 (vi) the attorney general or the attorney general's designee, who shall be one of
31 the attorney general's appointees, not a current career service employee;
32 (vii) the director of the School and Institutional Trust Lands Administration;
33 (viii) four elected county commissioners, county council members, or county
34 executives from different counties who are selected by the Utah Association of
35 Counties, at least one of whom shall be from a county of the first or second
36 class;
37 (ix) the executive director of the Department of Natural Resources, who may
38 not vote;
39 (x) the commissioner of the Department of Agriculture and Food, who may not
40 vote;
41 (xi) the director of the Governor's Office of Economic Development, who may
42 not vote; and
43 (xii) two elected county commissioners, county council members, or county
44 executives from different counties appointed by the Utah Association of
45 Counties, who may not vote.

- 46 (b) The council vice chairs shall conduct a council meeting in the absence of the
47 chair.
- 48 (c) If both the governor and the lieutenant governor are absent from a meeting of
49 the council, the governor may designate a person to attend the meeting solely for
50 the purpose of casting a vote on any matter on the governor's behalf.
- 51 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
52 appointed for the unexpired term in the same manner as the original appointment.
- 53 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), the council shall meet at least
54 monthly or more frequently as needed.
- 55 (ii) The council need not meet monthly if the chair, after polling the members,
56 determines that a majority of the members do not wish to meet.
- 57 (b) The governor or any six members of the council may call a meeting of the
58 council.
- 59 (c) Before calling a meeting, the governor or council members shall solicit items
60 for the agenda from other members of the council.
- 61 (d) (i) The council shall require that any entity that receives money from the
62 Constitutional Defense Restricted Account provide financial reports and litigation
63 reports to the council.
- 64 (ii) Nothing in this Subsection (4)(d) prohibits the council from closing a
65 meeting under [Open and Public Meetings Act], or prohibits the council from
66 complying with [Government Records Access and Management Act].
- 67 (e) A majority of the voting membership on the council is required for a quorum to
68 conduct council business. A majority vote of the quorum is required for any action
69 taken by the council.
- 70 (5) (a) The Office of the Attorney General shall advise:
71 (i) the council; and
72 (ii) the Federalism Subcommittee.
- 73 (b) The Public Lands Policy Coordinating Office shall provide staff assistance for
74 meetings of the council and Federalism Subcommittee.
- 75 (6) A member may not receive compensation or benefits for the member's service, but
76 may receive per diem and travel expenses [in accordance with State Law].
- 77 (7) (a) The council and Federalism Subcommittee shall be funded from the
78 Constitutional Defense Restricted Account created in Section 103].
- 79 (b) Money appropriated for or received by the council may be expended by the
80 governor in consultation with the council.
- 81 (8) (a) There is created a Federalism Subcommittee of the council.
- 82 (b) The subcommittee shall consist of members listed in Subsections (2)(a)(i)
83 through (vi).
- 84 (c) (i) The governor or the lieutenant governor shall serve as chair of the
85 subcommittee.
- 86 (ii) The council vice chair shall conduct a subcommittee meeting in the absence
87 of the chair.

88
89 **[Section 102] Duties.**

90 (1) The Constitutional Defense Council is a council to assist the governor and the
91 Legislature on the following types of issues:

- 92 (a) the constitutionality of federal mandates;
93 (b) when making recommendations to challenge the federal mandates and
94 regulations described in Subsections (1)(e)(i) through (v), the rationale for and
95 effectiveness of those federal mandates or regulations;
96 (c) legal and policy issues surrounding state and local government rights under
97 R.S. 2477;
98 (d) legal issues relating to the rights of the School and Institutional Trust Lands
99 Administration and its beneficiaries; and
100 (e) the advisability, feasibility, estimated cost, and likelihood of success of
101 challenging:
102 (i) federal court rulings that:
103 (A) hinder the management of the state's prison system and place undue
104 financial hardship on the state's taxpayers;
105 (B) impact a power or a right reserved to the state or its citizens by the
106 United States Constitution, Amendment IX or X; or
107 (C) expand or grant a power to the United States government beyond
108 the limited, enumerated powers granted by the United States
109 Constitution;
110 (ii) federal laws or regulations that reduce or negate water rights or the rights of
111 owners of private property, or the rights and interest of state and local
112 governments, including sovereignty interests and the power to provide for the
113 health, safety, and welfare, and promote the prosperity of their inhabitants;
114 (iii) conflicting federal regulations or policies in land management on federal
115 land;
116 (iv) federal intervention that would damage the state's mining, timber, and
117 ranching industries;
118 (v) the authority of the Environmental Protection Agency and Congress to
119 mandate local air quality standards and penalties; and
120 (vi) other issues that are relevant to this Subsection (1).
121 (2) The council shall:
122 (a) provide advice to the governor, state planning coordinator, and the public lands
123 policy coordinator concerning coordination of:
124 (i) state and local government rights under R.S. 2477; and
125 (ii) other public lands issues;
126 (b) approve a plan for R.S. 2477 rights developed in accordance with Section 63C-
127 4-104; and
128 (c) review, at least quarterly:
129 (i) financial statements concerning implementation of the plan for R.S. 2477
130 rights; and
131 (ii) financial and other reports from the Public Lands Policy Coordinating
132 Office concerning its activities.
133 (3) The council chair may require the attorney general or a designee to provide
134 testimony on potential legal actions that would enhance the state's sovereignty or authority on
135 issues affecting Utah and the well-being of its citizens.
136 (4) The council chair may direct the attorney general to initiate and prosecute any
137 action that the council determines will further its purposes.

138 (5) (a) Subject to the provisions of this section, the council may select and employ
139 attorneys to implement the purposes and duties of the council.

140 (b) The council chair may, in consultation with the council, direct any council
141 attorney in any manner considered appropriate by the attorney general to best serve
142 the purposes of the council.

143 (c) The attorney general shall negotiate a contract for services with any attorney
144 selected and approved for employment under this section.

145 (6) The council chair may, only with the concurrence of the council, review and
146 approve all claims for payments for:

147 (a) legal services that are submitted to the council;

148 (b) an action filed [in accordance with State Law]; and

149 (c) costs related to a constitutional defense plan approved in accordance with
150 Section 104 that are submitted by:

151 (i) the Public Lands Policy Coordinating Office;

152 (ii) the School and Institutional Trust Lands Administration; or

153 (iii) the Office of the Attorney General.

154 (7) Within five business days' notice, the council chair may, with the concurrence of
155 the council, order the attorney general or an attorney employed by the council to cease work to
156 be charged to the fund.

157 (8) (a) At least 20 calendar days before the state submits comments on the draft
158 environmental impact statement or environmental assessment for a proposed land management
159 plan of any federal land management agency, the governor shall make those documents
160 available to:

161 (i) members of the council; and

162 (ii) any county executive, county council member, or county commissioner of a
163 county that is covered by the management plan and that has established formal
164 cooperating agency status with the relevant federal land management agency
165 regarding the proposed plan.

166 (b) (i) Council members or local government officials receiving the documents
167 may make recommendations to the governor or the governor's designee concerning
168 changes to the documents before they are submitted to the federal land management
169 agency.

170 (ii) Council members or local government officials shall submit
171 recommendations to the governor or the governor's designee no later than 10
172 calendar days after receiving the documents under Subsection (8)(a).

173 (c) Documents transmitted or received under this Subsection (8) are drafts and are
174 protected records pursuant to [State Law].

175 (9) The council shall submit a report on December 1 of each year by electronic mail
176 that summarizes the council's activities to each legislator.

177
178 **[Section 103] Creation of Constitutional Defense Restricted Account -- Sources of**
179 **funds -- Uses of funds -- Reports.**

180 (1) There is created a restricted account within the General Fund known as the
181 Constitutional Defense Restricted Account.

182 (2) The account consists of money from the following revenue sources:

183 (a) money deposited to the account as required by [State Law];

- 184 (b) voluntary contributions;
185 (c) money received by the council from other state agencies; and
186 (d) appropriations made by the Legislature.
187 (3) Funds in the account shall be nonlapsing.
188 (4) The Legislature may annually appropriate money from the Constitutional Defense
189 Restricted Account to one or more of the following:
190 (a) the council for the council's or Federalism Subcommittee's duties established in
191 this chapter;
192 (b) the Public Lands Policy Coordinating Office to carry out its duties in [State
193 Law];
194 (c) the Office of the Governor, to be used only for the purpose of asserting,
195 defending, or litigating state and local government rights under R.S. 2477, in
196 accordance with a plan developed and approved as provided in Section 104;
197 (d) a county or association of counties to assist counties, consistent with the
198 purposes of the council, in pursuing issues affecting the counties; or
199 (e) the Office of the Attorney General, to be used only:
200 (i) for public lands counsel and assistance and litigation to the state or local
201 governments including asserting, defending, or litigating state and local
202 government rights under R.S. 2477 in accordance with a plan developed and
203 approved as provided in Section 104;
204 (ii) for an action filed in accordance with [State Law]; or
205 (iii) to advise the council and Federalism Subcommittee.
206 (5) (a) The council shall require that any entity that receives money from the
207 Constitutional Defense Restricted Account provide financial reports and litigation reports to
208 the council.
209 (b) Nothing in this Subsection (5) prohibits the council from closing a meeting
210 under [Open and Public Meetings Act], or prohibits the council from complying
211 with [Government Records Access and Management Act].
212

213 **[Section 104] Plans for R.S. 2477 rights and Constitutional defense -- Contents.**

- 214 (1) As used in this section:
215 (a) "Constitutional defense plan" means a plan that outlines actions and
216 expenditures to fulfill the council's and Federalism Subcommittee's duties
217 established by this chapter.
218 (b) "R.S. 2477 plan" means a guiding document that:
219 (i) is developed jointly by the Utah Association of Counties and the state;
220 (ii) is approved by the Constitutional Defense Council; and
221 (iii) presents the broad framework of a proposed working relationship between
222 the state and participating counties collectively for the purpose of asserting,
223 defending, or litigating state and local government rights under R.S. 2477.
224 (2) The Constitutional Defense Council may approve a R.S. 2477 plan if the R.S. 2477
225 plan:
226 (a) provides for a good faith, cooperative effort between the state and each
227 participating county;
228 (b) allows a county to formally agree to participate in the R.S. 2477 plan by
229 adopting a resolution;

- 230 (c) provides that the state and a participating county are equal partners in
231 determining litigation strategy and the expenditure of resources with respect to that
232 county's rights under R.S. 2477; and
233 (d) provides a process for resolving any disagreement between the state and a
234 participating county about litigation strategy or resource expenditure that includes
235 the following requirements:
236 (i) the governor or the governor's designee and a representative of the Utah
237 Association of Counties shall first attempt to resolve the disagreement;
238 (ii) if the county and the state continue to disagree, the county, the governor,
239 and the Utah Association of Counties shall present their recommendations to the
240 Constitutional Defense Council for a final decision about the strategy or
241 expenditure in question; and
242 (iii) the county may pursue a strategy or make an expenditure contrary to the
243 final decision of the Constitutional Defense Council only if the county does not
244 claim resources provided to fund the R.S. 2477 plan.
- 245 (3) The Constitutional Defense Council shall ensure that the R.S. 2477 plan contains:
246 (a) provisions identifying which expenditure types require approval of the R.S.
247 2477 plan committee and which expenditure types may be made without the R.S.
248 2477 plan committee approval;
249 (b) provisions requiring that financial statements be provided to members of the
250 R.S. 2477 plan committee and members of the Constitutional Defense Council, and
251 the frequency with which those financial statements must be provided; and
252 (c) provisions identifying those decisions or types of decisions that may be made
253 by the R.S. 2477 plan committee and those decisions or types of decisions that must
254 be referred to the Constitutional Defense Council for decision.
- 255 (4) (a) The Public Lands Policy Coordinating Office, in consultation with the Office of
256 the Attorney General and the School and Institutional Trust Lands, shall prepare and submit a
257 constitutional defense plan to the Constitutional Defense Council for the council's approval.
258 (b) The constitutional defense plan shall contain proposed action and expenditure
259 for:
260 (i) the council's or the subcommittee's duties established by this chapter; or
261 (ii) an action filed in accordance with [State Law].
- 262 (5) The Constitutional Defense Council shall:
263 (a) review expenditures, at least quarterly, made to further a plan approved under
264 this section;
265 (b) approve an update to a plan under this section at least annually, or more often,
266 if necessary; and
267 (c) jointly, with the Public Lands Policy Coordinating Office, present a R.S. 2477
268 plan approved under this section, with any updates, to:
269 (i) the Legislature's Natural Resources, Agriculture, and Environment Interim
270 Committee by July 1 of each calendar year, after providing the R.S. 2477 plan
271 to the committee at least seven days before the presentation; and
272 (ii) the president of the Senate and the speaker of the House of Representatives,
273 which may be by mail.

274
275 **[Section 106] Evaluation of federal law and policy -- Response.**

- 276 (1) As used in this chapter:
277 (a) "Federal governmental entity" means:
278 (i) the President of the United States;
279 (ii) the United States Congress;
280 (iii) a United States agency; or
281 (iv) an employee or official appointed by the President of the United States.
282 (b) "Federal law" means:
283 (i) an executive order by the President of the United States;
284 (ii) a statute passed by the United States Congress;
285 (iii) a regulation adopted by a United States agency; or
286 (iv) a policy statement, guidance, or action by:
287 (A) a United States agency; or
288 (B) an employee or official appointed by the President of the United
289 States.
290 (c) "United States agency" means a department, agency, authority, commission,
291 council, board, office, bureau, or other administrative unit of the executive branch
292 of the United States government.
293 (2) In accordance with Section 107, the Federalism Subcommittee shall evaluate a
294 federal law submitted to the Federalism Subcommittee by a council member.
295 (3) The Federalism Subcommittee may request information regarding a federal law
296 under evaluation from a United States Senator or Representative elected from the state.
297 (4) If the Federalism Subcommittee finds that a federal law is not authorized by the
298 United States Constitution or violates the principle of federalism as described in Subsection
299 63C-4-107(2), the Federalism Subcommittee chair may:
300 (a) request from a United States Senator or Representative elected from the state:
301 (i) information about the federal law; or
302 (ii) assistance in communicating with a federal governmental entity regarding
303 the federal law;
304 (b) (i) give written notice of the evaluation required by Subsection (2) to the
305 federal governmental entity responsible for adopting or administering the federal l
306 aw; and
307 (ii) request a response by a specific date to the evaluation from the federal
308 governmental entity; and
309 (c) request a meeting, conducted in person or by electronic means, with the federal
310 governmental entity and a council member, a representative from another state, or a
311 United States Senator or Representative elected from the state to discuss the
312 evaluation of federal law and any possible remedy.
313 (5) The Federalism Subcommittee may recommend to the governor that the governor
314 call a special session of the Legislature to give the Legislature an opportunity to respond to the
315 subcommittee's evaluation of a federal law.
316 (6) The Federalism Subcommittee chair may coordinate the evaluation of and response
317 to federal law with another state as provided in Section 63G-4-108.
318 (7) The Federalism Subcommittee shall submit a report by electronic mail that
319 summarizes action taken in accordance with this section to the Government Operations Interim
320 Committee on May 20 and October 20 of each year.
321

322 **[Section 107] Standard for evaluation of federal law.**

323 (1) The Federalism Subcommittee shall evaluate whether a federal law submitted
324 under Subsection 106(2) is authorized by:

325 (a) United States Constitution, Article I, Section 2, to provide for the decennial
326 census;

327 (b) United States Constitution, Article I, Section 4, to override state laws regulating
328 the times, places, and manner of congressional elections, other than the place of
329 senatorial elections;

330 (c) United States Constitution, Article I, Section 7, to veto bills, orders, and
331 resolutions by Congress;

332 (d) United States Constitution, Article I, Section 8, to:

333 (i) lay and collect taxes, duties, imposts, and excises, to pay the debts and
334 provide for the common defense and general welfare of the United States, but
335 all duties, imposts, and excises shall be uniform throughout the United States;

336 (ii) borrow money on the credit of the United States;

337 (iii) regulate commerce with foreign nations, among the several states, and with
338 the Indian tribes;

339 (iv) establish a uniform rule of naturalization and uniform laws on the subject
340 of bankruptcies throughout the United States;

341 (v) coin money, regulate the value of coin money and of foreign coin, and fix
342 the standard of weights and measures;

343 (vi) provide for the punishment of counterfeiting the securities and current coin
344 of the United States;

345 (vii) establish post offices and post roads;

346 (viii) promote the progress of science and useful arts, by securing for limited
347 times to authors and inventors the exclusive right to their respective writings
348 and discoveries;

349 (ix) constitute tribunals inferior to the supreme court;

350 (x) define and punish piracies and felonies committed on the high seas and
351 offences against the law of nations;

352 (xi) declare war, grant letters of marque and reprisal, and make rules
353 concerning captures on land and water;

354 (xii) raise and support armies, but no appropriation of money to that use shall
355 be for a longer term than two years;

356 (xiii) provide and maintain a navy;

357 (xiv) make rules for the government and regulation of the land and naval
358 forces;

359 (xv) provide for calling forth the militia to execute the laws of the union,
360 suppress insurrections, and repel invasions;

361 (xvi) provide for organizing, arming, and disciplining the militia, and for
362 governing the part of the militia that may be employed in the service of the
363 United States, reserving to the states respectively, the appointment of the
364 officers and the authority of training the militia according to the discipline
365 prescribed by Congress;

366 (xvii) exercise exclusive legislation in all cases whatsoever, over such district,
367 which may not exceed 10 miles square, as may, by cession of particular states

368 and the acceptance of Congress, become the seat of the government of the
369 United States, and to exercise like authority over all places purchased by the
370 consent of the legislature of the state in which the place shall be, for the erection
371 of forts, magazines, arsenals, dock-yards, and other needful buildings; or
372 (xviii) make all laws which shall be necessary and proper for carrying into
373 execution the powers listed in this section, and all other powers vested by the
374 United States Constitution in the government of the United States, or in any
375 department or officer of the United States;

376 (e) United States Constitution, Article I, Section 9, to authorize a federal officer to
377 receive benefits from a foreign nation;

378 (f) United States Constitution, Article I, Section 10, to fix the pay of members of
379 Congress and of federal officers;

380 (g) United States Constitution, Article II, Section 1, to:

381 (i) set the time for choosing electors; or
382 (ii) establish who succeeded to the presidency after the vice president;

383 (h) United States Constitution, Article II, Section 2, to:

384 (i) serve as Commander-in-Chief of the armed forces;
385 (ii) require the written opinions of executive officers;
386 (iii) grant reprieves and pardons;
387 (iv) make vacancy appointments;
388 (v) make treaties, subject to the advice and consent of the United States Senate;
389 (vi) appoint foreign affairs officers subject to the advice and consent of the
390 United States Senate;
391 (vii) appoint domestic affairs officers subject either to the advice and consent
392 of the United States Senate or pursuant to law;
393 (viii) appoint judges subject to the advice and consent of the United States
394 Senate; or
395 (xiv) authorize the president to fill designated inferior offices without senatorial
396 consent;

397 (j) United States Constitution, Article II, Section 3, to:

398 (i) receive representatives of foreign powers;
399 (ii) execute the laws;
400 (iii) commission United States officers;
401 (iv) give Congress information;
402 (v) make recommendations to Congress;
403 (vi) convene Congress on extraordinary occasions; or
404 (vii) adjourn Congress if it cannot agree on a time;

405 (k) United States Constitution, Article III, Section 1, to:

406 (i) create exceptions to the supreme court's appellate jurisdiction;
407 (ii) fix the jurisdiction of federal courts inferior to the supreme court; or
408 (iii) declare the punishment for treason;

409 (l) United States Constitution, Article IV, Section 1, to establish the rules by which
410 the records and judgments of states are proved in other states;

411 (m) United States Constitution, Article IV, Section 3, to:

412 (i) manage federal property;
413 (ii) dispose of federal property;

- 414 (iii) govern the federal territories; or
- 415 (iv) consent to admission of new states or the combination of existing states;
- 416 (n) United States Constitution, Article IV, Section 4, to defend states from
- 417 invasion, insurrection, and non-republican forms of government;
- 418 (o) United States Constitution, Article V, Section 1, to propose constitutional
- 419 amendments;
- 420 (p) United States Constitution, Article VI, Section 1, to prescribe the oath for
- 421 federal officers;
- 422 (q) United States Constitution, Amendment XIII, to abolish slavery;
- 423 (r) United States Constitution, Amendment XIV, to guard people from certain state
- 424 abuses;
- 425 (s) United States Constitution, Amendment XVI, to impose taxes on income from
- 426 any source without having to apportion the total dollar amount of tax collected from
- 427 each state according to each state's population in relation to the total national
- 428 population;
- 429 (t) United States Constitution, Amendment XX, to revise the manner of
- 430 presidential succession;
- 431 (u) United States Constitution, Amendment XV, XIX, XXIII, or XXIV, to extend
- 432 and protect the right to vote; or
- 433 (v) United States Constitution, Amendment XVII, to grant a pay raise to a sitting
- 434 Congress.

435 (2) The Federalism Subcommittee shall evaluate whether a federal law submitted
436 under Subsection 106(2) violates the principle of federalism by:

- 437 (a) affecting the distribution of power and responsibility among the state and
- 438 national government;
- 439 (b) limiting the policymaking discretion of the state;
- 440 (c) impacting a power or a right reserved to the state or its citizens by the United
- 441 States Constitution, Amendment IX or X; and
- 442 (d) impacting the sovereignty rights and interest of the state or a political
- 443 subdivision to provide for the health, safety, and welfare and promote the prosperity
- 444 of the state's or political subdivision's inhabitants.

445 (3) In the evaluation of a federal law, the Federalism Subcommittee:

- 446 (a) shall rely on:
- 447 (i) the text of the United States Constitution, as amended;
- 448 (ii) the meaning of the text of the United States Constitution, as amended, at the
- 449 time of its drafting and ratification; and
- 450 (iii) a primary source document that is:
- 451 (A) directly relevant to the drafting, adoption, ratification, or initial
- 452 implementation of the United States Constitution, as amended; or
- 453 (B) created by a person directly involved in the drafting, adoption,
- 454 ratification, or initial implementation of the United States Constitution,
- 455 as amended;
- 456 (b) may rely on other relevant sources, including federal court decisions; and
- 457 (c) is not bound by a holding by a federal court.

458
459 **[Section 108] Communication with other states and governmental entities.**

460 (1) The Federalism Subcommittee chair may correspond with the presiding officer of
461 the legislative branch of another state or an entity of another state that has powers and duties
462 that are similar to the Federalism Subcommittee to discuss and coordinate the evaluation of and
463 response to federal law as provided in Section 106.

464 (2) The Federalism Subcommittee shall send a copy of this bill and the pages of the
465 House and Senate Journal that pertain to this bill to:

- 466 (a) the governor of each state;
- 467 (b) the presiding officer, the majority leader, and the minority leader of each house,
468 if applicable, of each state legislature;
- 469 (c) each United States Senator or Representative elected from this state;
- 470 (d) the Chief Justice of the United States Supreme Court;
- 471 (e) the President of the United States; and
- 472 (f) the presiding officer, the majority leader, and the minority leader of each house
473 of the United States Congress.



COMMON CAUSE
Holding Power Accountable

Constitutional Defense Council Legislation

1 REFERENCE TITLE: _____

2 State of _____
(Introducing _____)

3 _____ Legislature
_____ Session

4 20____
____. B. _____

5
6 Introduced by _____

7
8 AN ACT

9 AMENDING TITLE ____, CHAPTER _____, ARTICLE _____, _____ REVISED
10 STATUTES, BY ADDING SECTION _____; RELATING TO THE CONSTITUTIONAL
DEFENSE COUNCIL.

11 ***

12 Be it enacted by the Legislature of the State of _____:

13 Section 1. Title ____, chapter ____, article _____, _____ Revised Statutes, is amended to read:

14 Constitutional defense council

15
16 A. In this section: 1) "Advisory member" means a member who gives advice to the other
17 members of the council at meetings of the council but who is not eligible to vote, is not a
18 member of the council for purposes of determining whether a quorum is present and is not
eligible to receive any compensation or reimbursement of expenses by the council; and 2)
"Council" means constitutional defense council.

19 B. The State of _____ constitutional defense council is established consisting of: 1) the
20 governor or his designee; 2) one other person appointed by the governor; 3) the attorney
21 general; 4) a person appointed by the President of the Senate; 5) a person appointed by the
22 Speaker of the House of Representatives; 6) one advisory member appointed by the President of
the Senate; and 7) one advisory member appointed by the Speaker of the House of
Representatives.

23
24 C. The purpose of the council is restoring, maintaining, and advancing the state's
sovereignty and authority to restore principles of dual sovereignty and protect individual liberty.

25 D. Meetings of the council shall be held in public and at least quarterly; additional
26 meetings may be called by any member; and discretionary decisions of the council shall be
made by a majority vote of the members.

27
28

1 E. The council shall hold regular quarterly public meetings or hearings regarding any of
2 the following: 1) federal preemption, mandates and conditional grants; 2) court rulings; 3) the
3 authority granted to, or assumed by, the federal government; 4) laws, regulations and practices
4 of the federal government; 5) regulatory primacy; 6) strategic litigation; 7) interstate compacts
5 and other forms of cooperative action among the states; 8) Article V of the U.S. Constitution; 9)
6 the development of model legislation; 10) the use and management of federal lands; and 11) the
7 exercise of coordination rights enjoyed by the state or its political subdivisions under federal
8 law.

9 F. The council shall establish a process for receiving and evaluating the merits of
10 complaints from the public regarding alleged unconstitutional actions by the federal
11 government, which violate the constitutional rights of citizens of this state or interfere with the
12 following reserved powers of the state: 1) control over the structure and mechanics of state
13 government; 2) the establishment and regulation of public schooling; 3) local criminal law
14 enforcement; 4) the regulation of health care; 5) the regulation of personal property outside of
15 commerce, such as firearms; 6) the regulation of domestic and family affairs, such as marriage
16 and guardianship; 7) the administration of civil justice (between citizens of the same state and
17 outside of bankruptcy), such as laws concerning personal injury torts, contracts, and nuisance
18 laws; 8) control over wages and qualifications of government employees who directly perform
19 legislative, executive, or judicial tasks for the state, state agencies or political subdivisions; 9)
20 the establishment and regulation of local government; 10) the regulation of real property, such
21 as the regulation of land title, land use, and land transfers; 11) the regulation of agriculture; and
22 12) the regulation of nonagricultural businesses that do not engage in commerce across state
23 lines.

24 G. At each of its quarterly public meetings, or more frequently as determined by
25 majority vote, the council shall discuss and consider appropriate responses and remedies for
26 potentially unconstitutional actions taken by the federal government based on meritorious
27 complaints received from the public, including, but not limited to, the development of model
28 legislation, the pursuit of cooperative interstate action, and the initiation and pursuit of
litigation.

H. The council may require the attorney general or his designee, as well as outside
experts, to provide testimony on potential model legislation, interstate cooperative action, or
legal actions that would further the council's purposes.

I. The council may select and employ attorneys to implement its purposes, including the
pursuit of litigation in the name of this state. The attorney general may assist any council
attorney in any manner deemed appropriate by the council. When requested by the council,
agencies and departments of this state, except the department of law, shall provide reasonable
personnel and resources to assist in any matter pursued by the council. The council shall not hire
permanent staff.

J. A constitutional defense council revolving fund is established to be administered by
the council under the conditions and for the purposes prescribed by this section. At the
beginning of each fiscal year, the Attorney General shall deposit in the revolving fund ___% of

1 the total annual budget from all sources appropriated to the Office of the Attorney General.
2 Monies in the fund shall be used by the council to pay the fees and costs of legal actions
3 initiated pursuant to subsection F or G of this section, and other expenses authorized by a
4 majority vote of the council, including the reasonable expenses of expert witnesses and the
5 reasonable cost of any study, analysis or report. The chair of the council shall transmit all claims
6 approved by a majority vote of the council to the director of the department of administration
7 for payment. Members are not eligible to receive compensation but are eligible to receive
8 reimbursement for expenses from the constitutional defense council revolving fund.

9
10 K. On or before the fifteenth day of each month, the council's designated ombudsman
11 shall cause to be filed with the council members, the President of the Senate, the Speaker of the
12 House of Representatives, and the Governor a full and complete account of the receipts and
13 disbursements for the constitutional defense council revolving fund for the preceding month.
14 With five business days' notice, the council may order an attorney employed by the council to
15 cease all work to be charged to the constitutional defense council revolving fund.

16
17 L. The council shall submit a report on December 1 of each year to the Speaker of the
18 House of Representatives, the President of the Senate and the Governor that summarizes the
19 council's activities.

20
21 M. Taxpaying residents of this state have legal standing in state court to file an
22 appropriate action at law or equity to compel the constitutional defense council to fulfill its
23 statutory mandates.
24
25
26
27
28

1
2 **Model State Sovereignty Civil Rights Law**

3 REFERENCE TITLE: _____

4 State of _____

5 (Introducing _____)

6 _____ Legislature

7 _____ Regular Session

8 2011

9 H.B./S. B. _____

10 Introduced by _____

11 AN ACT

12 AMENDING TITLE __, CHAPTER __, ARTICLE __, _____ REVISED STATUTES, BY
13 ADDING SECTION __; RELATING TO STATE SOVEREIGNTY CIVIL RIGHTS.

14 ***

15 Be it enacted by the Legislature of the State of _____:

16 Section 1. Title __, chapter __, article __, _____ Revised Statutes, is amended by adding
17 section ____, to read:

18 _____ Taxpayer State Sovereignty Civil Rights Law.

- 19 A. Every state and federal official who, under color of any statute, ordinance,
20 regulation, custom, or usage, of the United States, or any State or Territory or the
21 District of Columbia, enforces any federal law, federal grant condition or federal
22 regulation that purports to displace, supersede, control or condition the exercise of
23 the traditionally reserved powers of the State of _____ in violation of the United
24 States Constitution, shall be liable in an individual capacity to suit in equity in the
25 courts of the State of _____ by taxing residents of the State of _____.
- 26 B. Taxpaying residents who bring a lawsuit under the authority of section A shall be
27 entitled to seek any appropriate equitable remedy, including, but not limited to,
28 injunctive and declaratory relief.
- 29 C. If taxpaying residents of the State of _____ prevail in their lawsuit under the
30 authority of section A, they shall be entitled to the recovery of their court costs,
31 reasonable litigation expenses and attorneys fees from each losing party, who shall
32 be jointly and severally liable for such costs, expenses and fees.
- 33 D. The courts of the State of _____ shall exercise subject matter jurisdiction over
34 any lawsuit brought by any taxpaying resident under the authority of sections A, B
35 and C if the initial pleading specifically alleges:
- 36 1. Each plaintiff has paid and will likely be liable for State of _____ and federal
37 taxes during the pendency of the suit, the revenue of which has been and will
38 likely be placed in the State of _____'s or federal government's general fund.
 - 39 2. Each defendant is responsible for the expenditure of State of _____ or federal
40 government general fund revenues for the purpose of enforcing federal law(s),
41 federal grant condition(s) or federal regulation(s) that purport to displace,

1 supersede, control or condition the exercise of one or more of the following
2 traditionally reserved powers of the State of _____:

- 3 a. the establishment or regulation of local government;
 - 4 b. the regulation of real property;
 - 5 c. the regulation of personal property outside of commerce;
 - 6 d. the regulation of domestic and family affairs, including marriage and
7 guardianship;
 - 8 e. local criminal law enforcement;
 - 9 f. the administration of civil justice (between citizens of the same state and
10 outside of bankruptcy), including, but not limited to, personal injury torts,
11 contracts, and nuisance laws;
 - 12 g. the establishment and regulation of schooling;
 - 13 h. the regulation of agriculture;
 - 14 i. the regulation of nonagricultural businesses outside the immediate stream
15 of commerce;
 - 16 j. the construction of local infrastructure outside of postal roads;
 - 17 k. control over the voting franchise;
 - 18 l. control over the structure and mechanics of state government; or
 - 19 m. control over wages or qualifications of government employees, who
20 perform directly legislative, executive, or judicial tasks for the state or its
21 subdivisions.
- 22 3. No plaintiff claims any injury from the conduct of any defendant other than the
23 expenditure of state or federal government general fund revenues to enforce
24 federal law(s), federal grant condition(s) or federal regulation(s) that purport to
25 displace, supersede, control or condition the exercise of the traditionally reserved
26 powers of the State of _____ in violation of the United States Constitution.
- 27 4. The lawsuit is premised solely upon taxpayer standing.
- 28 5. The lawsuit does not present a Case or Controversy over which federal courts
have the power to exercise subject matter jurisdiction under Article III of the
United States Constitution.
6. Each plaintiff objects to removal of the lawsuit to any federal court on
jurisdictional grounds.
7. Each plaintiff acknowledges and consents to the United States Supreme Court's
ultimate appellate jurisdiction over a final judgment determining the claims
brought in the lawsuit.

Sovereign State Interstate Compact

1 REFERENCE TITLE: _____

2 State of _____
(Introducing _____)

3 _____ Legislature
_____ Session

4 20____
____. B. _____

6 Be it enacted by the Legislature of the State of _____:

7 Section 1. Title ____, _____, is amended by adding chapter ____, to read:

8 CHAPTER ____

9 SOVEREIGN STATE COMPACT

10 _____ Adoption of compact; text of compact

11 THE STATE OF _____ AGREES
12 TO BE BOUND BY THE FOLLOWING COMPACT:

13 ARTICLE I

14 FINDINGS AND DECLARATION OF POLICY

15
16 A. Every state agreeing to be bound by this compact objects to the federal government
17 using conditional grants to exceed the enumerated powers specifically delegated to Congress
18 and to encourage states to relinquish core attributes of their sovereignty and to adopt one-size-
fits-all public policies in exchange for federal money.

19 B. In consideration of their mutual commitments, every state agreeing to be bound by
20 this compact agrees to prohibit permanently its acceptance of overreaching conditional federal
21 grants when at least three-fourths of the states of the United States are concurrently bound by
this compact.

22 C. Every state agreeing to be bound by this compact seeks to demonstrate that the
23 political will exists to amend the United States Constitution to prohibit overreaching conditional
federal grants.

24 ARTICLE II

25 DEFINITIONS

26 As used in this compact, unless the context clearly indicates otherwise:

27 A. "State" means a state of the United States.
28

1 B. "Party State" means a state that is bound by the terms of this compact.

2 C. "Conditional federal grant" means money promised to or received by any state, or
3 political subdivision thereof, from the United States government or any political subdivision
4 thereof, the acceptance, receipt or expenditure of which is conditioned on compliance with any
5 federal statutory or administrative directive that is not directly and exclusively related to
6 ministerial receipt, procurement, disbursement and accounting procedures.

6 D. "Political subdivision" means governmental branches, departments, agencies,
7 counties, municipalities, special districts, as well as other governmental entities and quasi-
8 governmental entities created by authorization of law.

8 E. "Covered enumerated power" means any of the following powers specifically
9 delegated to Congress under Article I, Section 8 of the United States Constitution: 1) to regulate
10 Commerce with foreign nations, and among the several states, and with the Indian Tribes; 2) to
11 establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies
12 throughout the United States; 3) to coin money, regulate the value thereof, and of foreign coin,
13 and fix the standard of weights and measures; 4) to provide for the punishment of counterfeiting
14 the securities and current coin of the United States; 5) to establish post offices and post roads; 6)
15 to promote the progress of science and useful arts, by securing for limited times to authors and
16 inventors the exclusive right to their respective writings and discoveries; 7) to constitute
17 tribunals inferior to the Supreme Court; 8) to define and punish piracies and felonies committed
18 on the high seas, and offences against the Law of Nations; 9) to declare war, grant letters of
19 marque and reprisal, and make rules concerning captures on land and water; 10) to raise and
20 support armies, but no appropriation of money to that use shall be for a longer term than two
21 years; 11) to provide and maintain a navy; 12) to make rules for the government and regulation
22 of the land and naval forces; 13) to provide for calling forth the militia to execute the laws of the
23 union, suppress insurrections and repel invasions; 14) to provide for organizing, arming, and
24 disciplining, the militia, and for governing such part of them as may be employed in the service
25 of the United States, reserving to the states respectively, the appointment of the officers, and the
26 authority of training the militia according to the discipline prescribed by Congress; and 15) to
27 exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles
28 square) as may, by cession of particular states, and the acceptance of Congress, become the seat
of the government of the United States, and to exercise like authority over all places purchased
by the consent of the legislature of the state in which the same shall be, for the erection of forts,
magazines, arsenals, dock-yards, and other needful buildings.

23 F. "Covered reserved power" means any of the following powers of the states or their
24 political subdivisions: 1) control over the structure and mechanics of state government; 2) the
25 establishment and regulation of public schooling; 3) local criminal law enforcement; 4) the
26 regulation of health care; 5) the regulation of personal property outside of commerce, such as
27 firearms; 6) the regulation of domestic and family affairs, such as marriage and guardianship; 7)
28 the administration of civil justice (between citizens of the same state and outside of bankruptcy),
such as laws concerning personal injury torts, contracts, and nuisance laws; 8) control over
wages and qualifications of government employees who directly perform legislative, executive,
or judicial tasks for the state, state agencies or political subdivisions; 9) the establishment and

1 regulation of local government; 10) the regulation of real property, such as the regulation of
2 land title, land use, and land transfers; 11) the regulation of agriculture; and 12) the regulation
3 of nonagricultural businesses that do not engage in commerce across state lines.

4 ARTICLE III

5 TERMS

6 Notwithstanding any state law to the contrary:

7 When at least three-fourths of the states of the United States are Party States, no Party
8 State, or political subdivision thereof, shall thereafter accept any conditional federal grant,
9 which is conditioned on compliance with any federal statutory or administrative directive that:
10 1) is not within the scope of any covered enumerated power; or 2) would burden the exercise of
11 any covered reserved power.

12 ARTICLE IV

13 ENFORCEMENT

14 Notwithstanding any state law to the contrary:

15 A. The chief law enforcement officer of each Party State shall enforce this compact.

16 B. A taxpaying resident of any Party State has standing in the courts of any Party State
17 to require the chief law enforcement officer of any Party State to enforce this compact.

18 ARTICLE V

19 COMPACT ADMINISTRATOR AND INTERCHANGE OF INFORMATION

20 A. The governor of each party state or the governor's designee is the compact
21 administrator.

22 B. The compact administrator of each Party State shall maintain an accurate list of all
23 Party States, as well as documentation of all notices relating to the compact.

24 C. The compact administrator of each Party State shall furnish to the compact
25 administrator and chief law enforcement officer of each other Party State any information or
26 documents that are reasonably necessary to facilitate the administration and enforcement of this
27 compact.

28 ARTICLE VI

ENTRY INTO EFFECT AND WITHDRAWAL

1 A. This compact is effective and binding on any state that enacts appropriate legislation,
2 as determined by the laws of the respective state, agreeing to be bound to it, provided that: 1) at
3 least one other state has likewise enacted and is governed by legislation agreeing to be bound by
4 this compact; and 2) notice of such legislation is or has been seasonably received by the
5 governor of each state bound or to be bound by this compact.

6 B. Legislation whereby a state agrees to be bound to this compact shall be deemed
7 repealed and held for naught if, within two years after enactment, no other state has likewise
8 enacted or is governed by legislation agreeing to be bound by this compact.

9 C. So long as fewer than three-fourths of the states of the United States are Party States,
10 any Party State may withdraw from this compact by enacting appropriate legislation, as
11 determined by state law, and delivering written notice of such withdrawal to the governor of
12 each other Party State. A withdrawal shall not affect the validity or applicability of the compact
13 to states remaining party to the compact, provided that there remain at least two such states.
14 However, once at least three-fourths of the states of the United States are Party States, no Party
15 State may withdraw from this compact; and this compact shall be perpetual and inviolate both
16 as to existing Party States and as to any state that subsequently becomes a Party State.

12 ARTICLE VII

13 CONSTRUCTION AND SEVERABILITY

14 A. This compact shall be liberally construed so as to effectuate its purposes.

15 B. If any phrase, clause, sentence or provision of this compact, or the applicability of
16 any phrase, clause, sentence or provision of this compact to any government, agency, person or
17 circumstance, is declared in a final judgment by a court of competent jurisdiction to be contrary
18 to the United States Constitution or is otherwise held invalid, the validity of the remainder of
19 this compact and the applicability of the remainder of this compact to any government, agency,
20 person or circumstance shall not be affected.

21 C. If this compact is held to be contrary to the constitution of any Party State, the
22 compact shall remain in full force and effect as to the remaining Party States and in full force
23 and effect as to the affected party state as to all severable matters.
24
25
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27
28

International Relations Task Force
As of 6/30/2011

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